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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,634	10/17/2003	Louis Oldenhove	F1580	1959

7590 03/15/2005

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,634	Applicant(s) OLDENHOVE ET AL	
	Examiner Charles I. Boyer	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 refers to an alkylol methosulfate. This is an insufficient description of this compound. The specification refers to this compound as a quaternized alkylol methosulfate, but this is also insufficient. Applicants are requested to provide a complete chemical formula, structure, or description of this compound so that an adequate search can be made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yiankopoulos, US 5,462,697.

Yiankopoulos teaches a hard surface cleaner comprising 4% paraffin sulfonate, 1% choline chloride, and the balance water (col. 16, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by Kilpatrick-Liverman et al, US 6,475,965.

Kilpatrick-Liverman et al teach a skin moisturizing composition comprising 0.32% sodium cetearyl sulfate, 2% choline chloride, and the balance water (col. 9, lotion example). Note that choline chloride may be present in preferred amounts of 1% and preferred amounts of anionic surfactant are 3% (col. 12, claims 5 and 6). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mondin et al, US 5,716,925.

Mondin et al teach all purpose cleaners comprising 4,7% sodium paraffin sulfonate, 4% choline chloride, 4% diethylene glycol mono butyl ether and the balance water (col. 17, example 1E) wherein these compositions may be diluted up to 5 times with water (col. 18, lines 60-61). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1, 3, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by

Misselyn et al, US 5,552,089.

Misselyn et al teach liquid cleansing compositions comprising 4% sodium alkyl sulfonate, 3.5% diethylene glycol monobutyl ether, 4% choline chloride, and the balance water (col. 21, example 1A). Another example comprises 4% sodium alkyl sulfonate, 3.5% diethylene glycol monobutyl ether, 4% tri-hydroxyethyl methylammonium methosulfate, and the balance water (col. 21, example 1B) wherein both of these examples are present in a 1.2% diluted solution (col. 23, lines 18-26). Note that the surfactants of the invention have been previously mixed with ethanol (col. 20, lines 18-30) and ethanol is present in these compositions in amounts as high as 5% (col. 28, claim 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al, US 4,799,950.

Suzuki et al teach a plant growth regulating composition comprising 10 parts choline chloride, and 2 parts sodium dodecyl benzene sulfonate wherein the composition is diluted 150 times with water (col. 6, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer
Primary Examiner
Art Unit 1751